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NAT HENTOFF:

The Eyes of Strom Thurmond Are Upon You

The hardest-working and most persistently determined member of the United States Senate will be 78 on December 5. In his personal as well as his political life, James Strom Thurmond is what used to be called, in the colleges, a late bloomer. He was nearly 70 before he sired the first of his three children; and now, as the incoming chairman of the Senate Judiciary Committee, he has more power over the liberties of us all than even he ever imagined possible. So does Barry Goldwater, the new chairman of the Senate Intelligence Committee—more of whom anon.

In a November 9 *Washington Post* interview, Thurmond said that he expected the new President to appoint a more conservative Attorney General than either Griffin Bell or Benjamin Civiletti. A scourge is required at the Justice Department, because "there's a lot of bad elements in the country" that need to be cleaned out.

Thurmond added his hearty approval of Abscam, as well he should—having long been one of the more impassioned Congressional champions of electronic surveillance. "Every dishonest person we can get out of government," says Senator Thurmond, "will be better for the government." But the Cotton Mather of Aiken, South Carolina, is interested in all kinds of "bad elements"—not only the kind ensnared in Abscam. He is a patriot, and will surely encourage the use of the techniques of Abscam against all heretics who pose a danger to any element of our national security, including nuclear power and nuclear armaments.

In this regard, it should be noted that in the House, Republican John Ashbrook of Ohio gathered in the term 192 (!) co-sponsors of a bill to create a new committee on terrorism: Internal terrorism. It would be a successor to the House Committee on Internal Security on which Ashbrook served with notable appetite. (That unit, of course, was the stalking child of the fabled House Un-American Activities Committee.)

But the Democrats still control at least the House in 1981. Not by much, however. (242 to 192, with maybe one independent voting with the Democrats.)

And look at the civil libertarians who have been lost on the Democratic side. Majority whip John Brademas, often a crucial force in gathering floor votes on civil-liberties issues. And 13 other stalwart allies of the American Civil Liberties Union, including Andrew Maguire, James Corman and, yes, Frank Thompson. Since, moreover, there remains a sizeable number of conservative Democrats, I rather think John Ashbrook will get his House terrorism committee next year. And with the Republicans controlling the Senate, there is likely to be a brand new, electronically-tooled "subversive" hunting apparatus in place in that body as well.

"My name is Charles Brigham. I am an FBI agent. About to arrive for a meeting on how to obstruct a government nuclear facility are, among others, Dean Swift and Charlene Ginsberg. In this package are plastic explosives. I am placing the package on the nightstand to my immediate right. The package will be offered to Swift and Ginsberg, whom I expect to persuade of the need for a truly forceful blow against nuclear armaments."

No, that's not exactly how the FBI agent would put it in his prologue before the camera, but you get the idea—from having seen the actual Abscam tapes.

Go tell Strom Thurmond and the Terrorism Committee what you were doing in that room—even if you didn't go anywhere near that package and only casually knew Swift and Ginsberg.

I have interrupted the series on the history of entrapment, electronic surveillance, and the courts' collusion in both of these aggravated assaults against the Bill of Rights to bring us into the immediate

future of civil liberties in this land. It ain't going to be the golden age, and that's all the more reason to think about Abscam in the context of the ascent of Strom Thurmond and his allies.

The only comprehensive analysis I have yet seen of the effect on civil liberties of what happened November 4 is by John Shattuck, Legislative Director of the ACLU. I have borrowed from it, adding my own sense of the auguries.

Shattuck points out that chairing the key Constitution Subcommittee in Thurmond's Judiciary fief will be Orrin Hatch of Utah, whose depth of conservatism is described in *The Almanac of American Politics 1980* as "fervent and almost feverish." And moving in to head the Senate Intelligence Committee will be Barry Goldwater, who insists, as does the Politburo, that "the most effective intelligence agencies are those empowered to function in total secrecy—whether they are acting against the citizens of their own country or diverse natives of foreign states."

Between Thurmond and Goldwater, any attempts to enact charters setting limits on what the CIA, the FBI, and other intelligence agencies are allowed to do are not going to get anywhere. Much more probable is an "unleashing" of all the intelligence forces so that they can return to those glory days exposed, only in small part, in the quite terrifying revelations of Frank Church's Senate Select Intelligence Committee in the summer of 1976.

Surely I don't mean there will be a return to the FBI's COINTELPRO—using undercover agents and informers to disrupt and destroy lawful dissenting political parties? Well, John Shattuck lists among the real possibilities in the next Congress "legislation authorizing broad FBI 'anti-terrorist' and 'domestic security' investigations of political groups engaged not in crime but in protected speech and association."

Maybe they'll put in a provision that, to help along American profits and jobs, the FBI will have to use only American-made video equipment.

Also coming, I'm convinced, is a successful attempt to exempt the CIA, the FBI, and other intelligence cadres from most of the provisions of the Freedom of Information Act. The Bill-of-Rights beat that one back in this session of Congress.